

House Transportation Committee Amendment No. 1

Amendment No. 1 to HB0564

Pinion
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Date _____
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Clerk _____
Comm. Amdt. _____

AMEND Senate Bill No. 208*

House Bill No. 564

By deleting all of the language after the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Title 55, Chapter 8, Part 1, is amended by adding the following language as a new, appropriately designated section:

Section 55-8-192.

(a) No driver shall operate a school bus as defined by § 55-8-101(53) on any highway while using a hand held mobile telephone while such vehicle is in motion; provided that this section shall not apply to mobile telephone, or two-way radio, communications made to and from a central dispatch, school transportation department or its equivalent.

(b) For the purposes of this section, unless the context otherwise requires, "mobile telephone" means a cellular, analog, wireless or digital telephone.

(c) A violation of this section is a Class C misdemeanor punishable only by a fine of fifty dollars (\$50.00).

(d) It is an affirmative defense to prosecution under this subsection, which must be proven by a preponderance of the evidence, that the driver's use of a mobile telephone was necessitated by a *bona fide* emergency.

SECTION 2. This act shall take effect July 1, 2003, the public welfare requiring it.